

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brenda K. Fick,

Civil 07-2536 (PJS/FLN)

Plaintiff,

v.

O R D E R

Michael J. Astrue,
Commissioner of Social Security,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated July 25, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's alternative motion for summary judgment is GRANTED [#12];
2. This case is remanded to the Appeals council for further proceedings consistent with the Report and Recommendation of Magistrate Judge Noel;
and
3. Defendant's motion for summary judgment [#15] is DENIED.

DATED: 08/14/2008.

s/Patrick J. Schiltz

Patrick J. Schiltz
United States District Judge